



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Signature required

Gary Bentz
Facility Manager/Maintenance Supervisor
Flexible Circuits, Inc.
222 Valley Road
Warrington, PA 18976

**Re: Notice of Violation
Compliance Evaluation Inspection
October 30, 2014
EPA ID No. PAD002336618**

Docket Number: R3-15-NOV-RCRA-015

Dear Mr. Bentz:

On October 30, 2014 the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") under the Commonwealth of Pennsylvania Hazardous Waste Regulations ("PAHWR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. §§ 6901 *et seq.* at the facility owned and operated by Flexible Circuits, Inc. ("FCI"), and located at 222 Valley Road, Warrington, PA 18976 (the "Facility").

Based on that CEI and a review of other pertinent information provided by FCI, EPA has determined that, at the time of the CEI, the Facility was in violation of the following regulations promulgated as part of the PAHWR, and pursuant to RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation ("NOV")**.

1. During the inspection of the loading dock area the inspector observed a tote labeled as hazardous waste and an accumulation date of 5/16/14. According to FCI the actual date of accumulation was October 29, 2014. Failure to mark the container with the date upon which accumulation began as required by HW PAHWR §262a [40 CFR 262.34(a)(2)]. See page 3 and photos 6 to 8 of Inspection Report.
2. During the inspector's review of the hazardous waste weekly inspection records, a gap from August 25, 2014 to October 5, 2014 was observed. At least weekly, an owner or operator must inspect areas where hazardous waste containers are stored as required by PAHWR §265a [40 CFR 265.174]. See page 5 of Inspection Report.

3. During the inspection of the universal waste storage area located in the maintenance area, there were 3 open and unmarked containers storing universal waste lamps. The containers were unlabeled and FCI was unable to demonstrate the length of time that the universal waste lamps had been accumulating. Also universal waste batteries observed in the electrical room were not marked as HW batteries and their accumulation time could not be determined. Failure to manage, label, and demonstrate accumulation time for universal wastes, in violation of 25 Pa. §266b.1 [40 C.F.R. § 273.13(d)(1), 14(a), 14(e), 15(c)]. See page 4 and photos 22 to 24 of Inspection Report

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this Notice of Violation may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

Within thirty (30) calendar days of the receipt of this NOV, please submit a response documenting the measures the facility has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations are in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information about contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not your company is covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the one cited in this letter, or past violations in any future enforcement action. Any response to this NOV shall be addressed to:

Stephen Forostiak (3LC70)
U.S. Environmental Protection Agency - Region III
1650 Arch Street
Philadelphia, PA 19103



Carol Amend, Associate Director
Land and Chemicals Division
Office of Land Enforcement

March 23, 2015
Date

Enclosure

cc: Steve Forostiak (3LC70)

